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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,636	09/21/2001	Vivian Pecus	4940/IP	5201

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EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,636

Applicant(s)

PECUS ET AL.

Examiner

Jason D. Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3,5-15 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 4 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/17/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the remarks of the applicant, filed on 6/17/05. Claims 1-19 are presented for further examination.
2. Update application numbers and status on co-pending cases, pages 3-5 of the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 11-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrangi, USPN 6,651,141 in view of Hospodor et al. ("Hospodor"), USPN 6,697,914.
5. Regarding claim 1, Adrangi discloses a method for processing an incoming package at an edge node, comprising: determining if enough space exists at a storage device of the edge node to decompress the package; if enough space does not exist, removing one or more previously stored files from the storage device [Adrangi, col. 2, lines 36-44, col. 7, lines 30-53 and col. 8, lines 25-41]; if the edge node is an intended recipient, ascertaining if the package is a content package or a command package [Adrangi, col. 4, lines 35-57 and col. 8, lines 25-41]; if the package is a command

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package, executing at least one command included in the package; and if the package is a content package, extracting the files and storing the files contained in the package [Adrangi, col. 7, line 54 – col. 8, line 7].

Adrangi does not specifically disclose extracting package information listing from the package; analyzing the extracted package information listing to discover if the edge node is an intended recipient of the package. However, Hospodor, in the same field of endeavor, discloses package information listing [Hospodor, col. 3, lines 14-65]. It would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to incorporate package information listing, taught by Hospodor, into the edge node system, taught by Adrangi, in order to efficiently access the network, reduced cost and latency [Hospodor, col. 1, lines 59-63].

6. Regarding claims 2 and 3, Adrangi-Hospodor further discloses the removal of one or more previously stored files comprises: identifying all previously stored files in the edge node's storage space that are expired or marked for forced deletion; and removing one or more identified files, where the removal of one or more previously stored files comprises deleting all previously stored files in the edge node's storage space marked for forced deletion [Adrangi, col. 7, line 30- col. 8, line 49].

7. Regarding claims 7, Adrangi-Hospodor further discloses the extracting of the files further includes entering information from the extracted files in a database [Adrangi, col. 3, lines 7-14].

8. Regarding claim 11, Adrangi-Hospodor further discloses verifying successful receipt of the package prior to extracting the package information listing [Adrangi, col. 4, lines 35-57] [Hospodor, col. 3, lines 30-65].

9. Regarding claims 12-18, claims 12-18 have similar limitations as disclosed in claims 1-4, 7 and 11. Therefore, the similar limitations are disclosed under Adrangi-Hospodor for the same reasons set forth in the rejection of claims 1-4, 7 and 11 [Supra 1-4, 7 and 11].

10. Claims 5, 6, 8-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adrangi-Hospodor as applied to claims 1 and 12 above, and further in view of Strandberg et al. ("Strandberg"), USPN 6,647,412.

11. Regarding claims 5, 6 and 19, Adrangi-Hospodor substantially discloses the claimed invention. Adrangi-Hospodor does not specifically disclose a package is a command package and is transmitted through a back channel and a message describing the status of the edge node is transmitted to a NOC through a back channel connected the edge node and the NOC. However, Strandberg, in the same field of endeavor, discloses status of an edge node is transmitted to a NOC through a back channel connected the edge node and the network operator (originator of the command package) [Strandberg, col. 1, line 56 – col. 2, line 37 and col. 3, lines 4-26]. It would have been obvious to one of ordinary skill in the art, at the time of the invention was

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made, to incorporate messaging on a back channel, taught by Strandberg, into the edge node system, taught by Adrangi-Hospodor, in order to adequately respond to dynamic network conditions [Strandberg, col. 1, lines 50-53].

12. Regarding claims 8-10, Adrangi-Hospodor-Strandberg further discloses the package is a command package that includes a command to request for the edge node to upload its logs to a NOC, the package is a command package that includes a command to request for the edge node to update its operational software and the package is a command package that includes a deletion command and is sent from the NOC [Adrangi, col. 4, lines 1-34 and col. 7, line 30- col. 8, line 49] [Strandberg, col. 1, line 56 – col. 2, line 37 and col. 4, line 36 – col. 5, line 8].

Allowable Subject Matter

13. Claims 4 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: The closest art of record, Adrangi in view of Hospodor, does not disclose iteratively performing the ascertaining and deleting of one or more previously stored files that are expired until the edge node has enough storage space to decompress the package or no previously stored files that are expired exist. This is shown in the

remarks of the Applicant's, filed 6/17/05 [Remarks, page 15] and the specification.

Therefore, claims 4 and 16 have allowable subject matter over the prior art of record.

Response to Arguments

15. Applicant's arguments filed 6/17/05 have been fully considered but they are not persuasive.

16. (A) The invention of Adrangi is proactive pulling of files not reactive.

As to point (A), the instant claimed invention does not disclose reactive or proactive action of how to receiving a new package, only processing an incoming package. The instant claimed invention does not specifically state a reactive approach to how to receive a new package. Therefore, Adrangi does disclose the instant claim invention of processing an incoming package [Adrangi, col. 2, lines 36-44 and col. 7, lines 30-53]. During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).

17. (B) Adrangi does not disclose a method for commanding or managing the edge POPs between command and content packages.

As to point (B), Adrangi discloses FTP commands to cache certain content [Adrangi, col. 7, lines 19-30]. Adrangi, also, discloses the edge POPs caching content [Adrangi, col. 8, lines 25-41]. During patent examination and prosecution, claims must

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be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969).

18. (C) Hospodor does not disclose the extraction package information listing as disclosed in the instant specification.

As to point (C), it is noted that the features upon which applicant relies (i.e., detailed package information listing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). During patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable interpretations, "package information listing" is broad enough to read on the header disclose in Hospodor.

19. (D) Adrangi does not disclose expiration, which indicated that a file is no longer needed based on time or need, not popularity.

As to point (D), Adrangi discloses deleting files based on popularity. The instant claimed invention does not disclose the specifics of expiration indicated that a file is no longer needed based on time or need. It is noted that the features upon which applicant

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relies (i.e. expirations, no longer needed based on time, no longer needed based on need) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Giving the instant claims their broadest reasonable interpretations, “expired files” is broad enough to read on the no longer popular files disclosed in Adangi.

20. (E) Strandberg does not disclose a back channel, as shown in the instant specification.

As to point (E), it is noted that the features upon which applicant relies (i.e. specifics of the back channel) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is the combination of Adrangi-Hospodor-Strandberg, not Strandberg alone, that discloses the instant claimed invention.

Conclusion

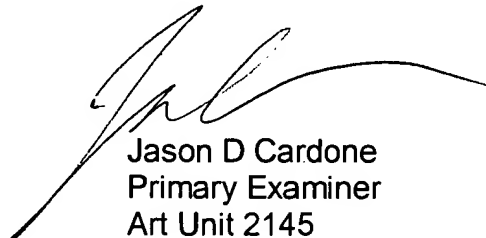
21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone
Primary Examiner
Art Unit 2145

August 29, 2005